

The Honorable Robert J. Bryan

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

STATE OF WASHINGTON,

Plaintiff,

v.

THE GEO GROUP, INC.,

Defendant.

CIVIL ACTION NO. 3:17-cv-05806-RJB

WASHINGTON'S RESPONSE TO
GEO'S EX PARTE MOTION FOR
EXTENSION OF TIME

NOTE ON MOTION CALENDAR:
September 25, 2020

Washington respectfully submits this response to GEO's Ex Parte Motion for Extension of Time to reiterate the importance of GEO's timely compliance with the Court's recent Order.

First, this case has now been pending for three years. The Court first ordered GEO to produce responsive financial documents almost two years ago in October 2018. *See* ECF No. 133. GEO has nonetheless gone to great lengths to avoid producing the documents at issue: GEO unsuccessfully sought a writ of mandamus with the Ninth Circuit, waited to disclose its Chief Financial Officer as a witness until the eve of trial, and, even now, after another Court order requiring GEO to produce the responsive financial documents at issue, GEO seeks to delay production. Further delay is not warranted because GEO has long known about the documents at issue and this case is set for trial to occur as soon as the Court is able to safely hold a jury trial.

1 *Second*, in filing its motion and failing to produce the compelled documents by the
2 Court's deadline, GEO has granted itself its own extension. GEO did not confer with
3 Washington before filing its ex parte request for an extension. While Washington would have
4 been willing (and is still willing) to agree to receiving the compelled documents no later than
5 October 2, 2020, based on GEO's motion, Washington is now concerned that GEO plans to
6 continue refusing to produce the documents at issue based on yet another motion for
7 reconsideration or mandamus petition long past that date. *Cf.* ECF Nos. 87, 142, 164, 209, 289,
8 324 (GEO's six prior motions for reconsideration in this litigation alone). Thus, while
9 Washington does not object to a *short* period of time so that GEO can timely gather and
10 produce the compelled documents by October 2, 2020, no further extensions should be granted.
11 Once the financial documents are received, Washington and its expert, Dr. Nickerson, will
12 need to have time to evaluate those documents and integrate the information well before trial.
13 Even if the Court allows GEO a modest extension to October 2, 2020, it should nonetheless
14 clarify that any motion to reconsider or mandamus petition will not relieve GEO of its
15 obligation to timely comply with the Court's Order. *See also* LCR 7(h) (making clear motions
16 for reconsiderations are "disfavored" and that the filing of such a motion "shall not stay
17 discovery or any other procedure").

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1 DATED this 23rd day of September, 2020.

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3 Respectfully submitted,

4 ROBERT W. FERGUSON
Attorney General of Washington

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was electronically filed with the United States District Court using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Dated this 23rd day of September 2020, in Seattle, Washington.



CAITILIN HALL
Legal Assistant